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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
June 9, 2016	Brandi Cummings, Project Manager (805)781-1006/ bcummings@co.slo.ca.us	Eureka Energy	DRC2015-00089

SUBJECT

A request by **EUREKA ENERGY COMPANY** for a Variance to allow grading and construction of an access road to service powerline towers and two pedestrian paths to service security camera towers. The project will result in the disturbance of approximately 6,000 square feet on a 545 acre parcel. The proposed grading will occur on slopes over 30% requiring a variance from the requirements of Title 23. The proposed project is within the Public Facilities land use category and is located at the Diablo Canyon Power Plant (DCPP) on Reservoir Road, 9 miles northwest of the community of Avila. The site is in the San Luis Bay Coastal planning area.

RECOMMENDED ACTION

1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Approve Variance DRC2015-00089 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq. and CA Code of Regulations Section 15000 et seq.) has been issued on April 27, 2016 for this project. Mitigation measures are proposed to address Biological Resources, Geology and Soils, and Transportation and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Public Facilities (PF)	Geologic Study Area (GSA); Energy Extractive Area; Sensitive Resource Area (SRA); Renewable Energy	076-011-018	3

PLANNING AREA STANDARDS:

Geologic Study Area

LAND USE ORDINANCE STANDARDS:

Variance for Grading on slopes over 30%, Sedimentation and erosion control plan, Drainage Plan, Geologic and Soils Report, and Local Coastal Program.

EXISTING USES:

Nuclear Power Plant

SURROUNDING LAND USE CATEGORIES AND USES:

North: Rural lands, agricultural uses
East: Public facilities; agriculture
South: Pacific Ocean
West: Public facilities (State Park)

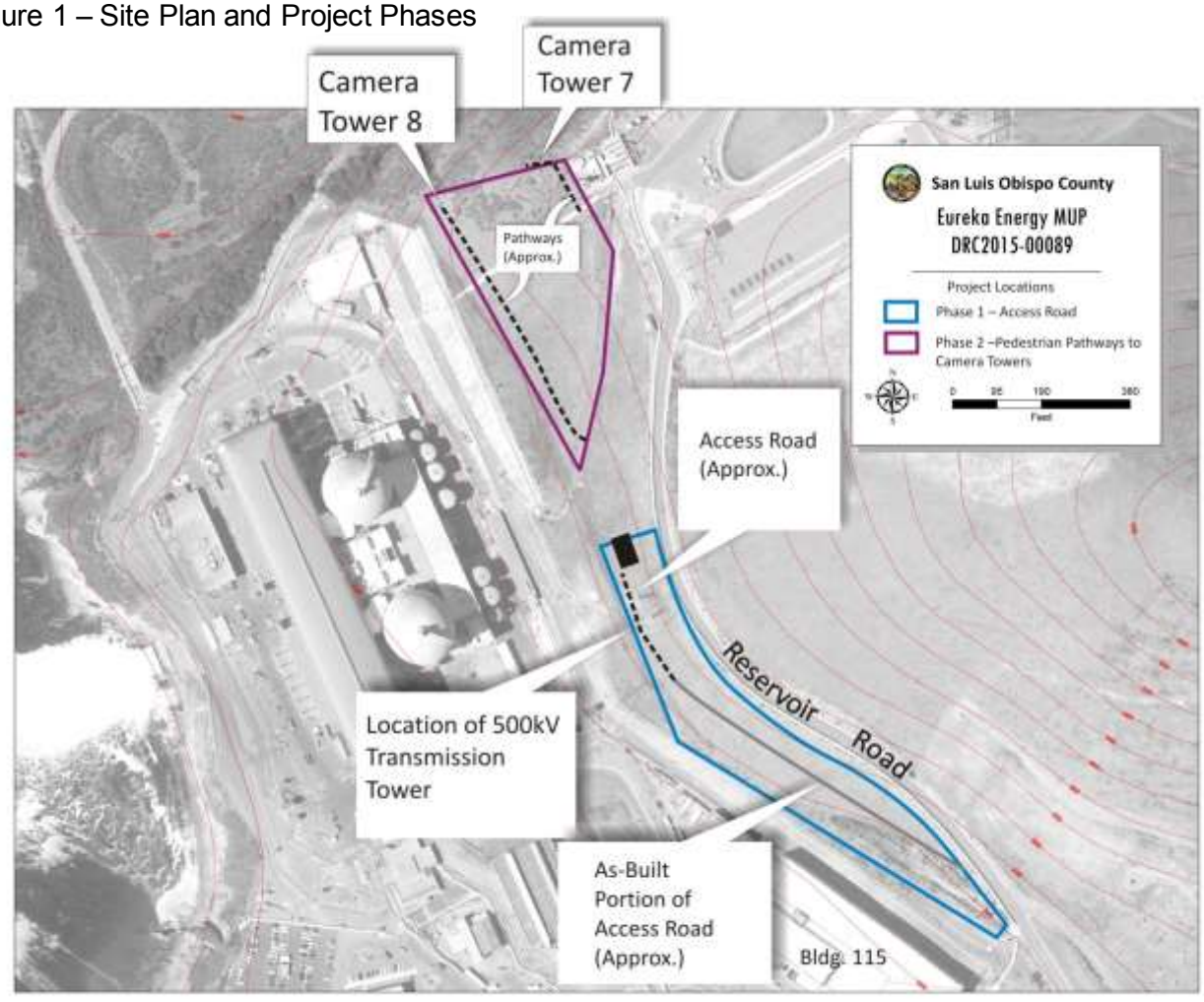
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, Avila Valley Advisory Council, California Coastal Commission	
TOPOGRAPHY: Moderately to steeply sloping (36%)	VEGETATION: Non-native grasses
PROPOSED SERVICES: Fire Protection: Cal Fire, Diablo Canyon Fire Department	ACCEPTANCE DATE: March 15, 2016

PROJECT ANALYSIS

Eureka Energy (Pacific Gas and Electric Co.) is proposing to construct a vehicular access road and two pedestrian pathways at the DCPP to provide safe access to existing infrastructure. The project will be located on a portion of land between Reactor Units 1 and 2 and Reservoir Road (Figure 1). The vehicular access road will depart from Reservoir Road north of Building 115 and proceed along the contour of the terrain up to the 500 kV Tower (Figure 1). The road will provide tower access for service and safety. To the north and west of the 500 kV tower and access road are two security camera towers that require servicing and access. The project proposes a 4-foot wide pedestrian path to access the two towers.

PG&E proposes to construct the project in two phases: Phase 1 will be the completion of the 500 kV Tower Access Road. Phase 2 will be the installation of the two pedestrian paths to the camera towers.

Figure 1 – Site Plan and Project Phases



Phase 1 – Vehicle Access Road. The vehicle access road starts at Reservoir Road near building 115 and will extend approximately 1,100 linear feet to the 500 kV tower generally following the contour of the natural terrain (Figure 1). The as-built portion of the road is about 14 feet wide and covered in about 6 inches of aggregate base or gravel. The road is located in an area that was previously disturbed when the transmission towers were constructed.

Approximately 950 lineal feet of the access road grading was completed in mid-year 2015 without county permits (Figure 1). Previous grading consisted of about 400 cubic yards (c.y.) of cut and 1,100 c.y. of fill. Erosion control measures were implemented, including hydroseeding and the installation of fiber rolls along the slope.

To complete the remaining 200 feet of roadway will require an additional 100 c.y. of cut and 400 c.y. of fill in addition to the installation of the aggregate base surface, a retaining wall and a rip rap slope. A turnaround will be installed at the end of the access road just past the 500 kV tower supported by an Allan Block retaining wall in the shape of an "L". The short portion of the wall will run east and west and abut the north end of the access road terminus with the long side running north and south along the south side of the access road. The short wall will be approximately 40 feet long where the long side will be about 80 feet long. The wall will step in varying heights from a minimum of 5 feet to a maximum of 10 feet at the highest portions. There will be a buried footing supporting the wall. In addition there will be two areas of rip rap where the wall will allow water to drain near the corner of the wall.

Phase 2 – Pedestrian Walkways to Camera Towers. Phase 2 will involve the construction of two pedestrian paths to service the security cameras on towers 7 and 8 (Figure 1). A spring botanical survey was conducted in early May which was used to inform the final design and location of the path, and incorporate measures to avoid impacts to sensitive plants.

The pathway to camera tower 8 will be about 650 feet long and 4 feet wide. This pathway will begin at the existing improved drainage swale and follow the natural grade to the camera tower (Figure 1). The approximate earthwork for this pathway will be 40 cubic yards of cut and 25 cubic yards of fill.

The pedestrian path to camera tower 7 will be shorter, about 100 feet long and 4 feet wide, and will require approximately 5 cubic yards of cut and 3 cubic yards of fill. This pathway is closest to the top of the slope.

Table 1 provides a summary of the area of disturbance, cut and fill:

Table 1 -- Area of Disturbance, Cut and Fill

Project	Dimensions	Area of Disturbance	Cut	Fill
Phase 1 – Access Road	200 ft x 14 ft	+/- 3,000 sq. ft.	400 cy	1,100 cy
Phase 2 – Pedestrian Walkways				
Tower 7	100 ft x 4 ft.	+/- 400 sq.ft.	40 cy	25 cy
Tower 8	650 ft x 4 ft	+/- 2,600 sq.ft.	5 cy	3 cy
Total:	--	6,000 sq.ft. (about 0.13 acres)	445 cy	1,128 cy

Construction of the remaining portion of the roadway and turnaround will require grading on slopes in excess of 30% (Figure 2, 3, and 4). The Coastal Zone Land Use Ordinance (CZLUO) requires a variance for grading on slopes in excess of 30%.

Figure 2 – Area of Grading On Slopes that Exceed 30%

Figure 3 – Location of Section L-L'

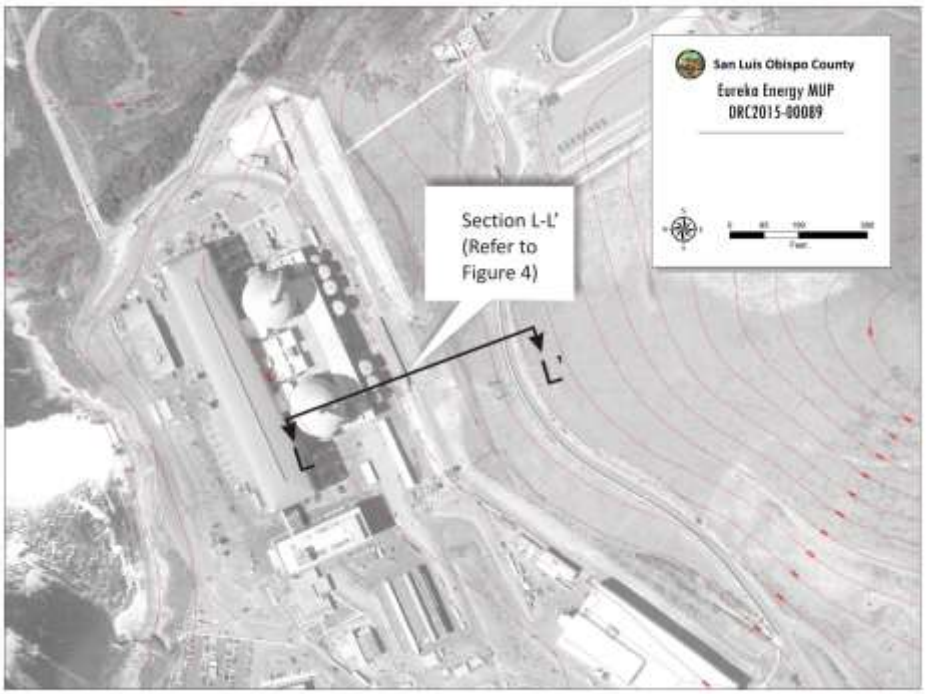
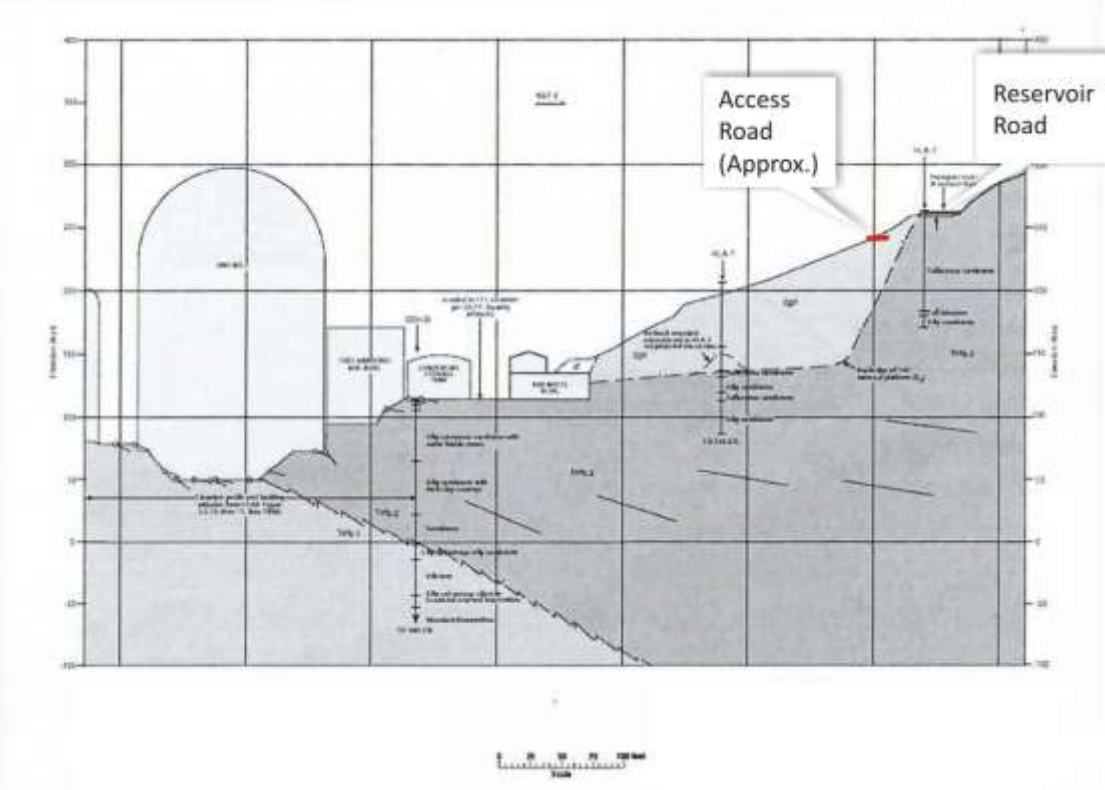


Figure 4 – Section L-L'



The primary planning and environmental issues in this area and for this site are geologic stability, drainage and erosion control, and compliance with relevant Local Coastal Plan policies, planning area standards.

PLANNING AREA STANDARDS

Areawide Standards

Sloping Sites. Development plan proposals for sites with varied terrain are to include design provisions for concentrating development on moderate slopes while retaining steeper slopes visible from public roads undeveloped. *The access road will necessarily be constructed on steep slopes to serve the existing transmission tower. However, neither the access road nor the camera tower pathways will be visible from a public road.*

COMBINING DESIGNATIONS

Sensitive Resource Areas (SRA)

Upper Diablo Canyon - Access Limitation. Further construction of access roads through upper Diablo Canyon is prohibited.

Upper Diablo Canyon - Transmission Lines. Future transmission lines in upper Diablo Canyon shall be confined to the existing corridor. All exposed grading cuts (except for actual roadways and structure sites) and areas of vegetation removal shall be graded and replanted to blend with existing terrain.

The proposed project is located adjacent to the power plant complex and will have no effect on upper Diablo Canyon.

COASTAL ZONE LAND USE ORDINANCE COMPLIANCE

23.01.045 – Variance:
The applicant is requesting a Variance for the proposed access road to allow grading on slopes over 30 percent. Figure 2, 3 and 4 illustrate the location of proposed grading on slopes that exceed 30%.

Staff supports and is able to recommend that the Planning Commission make the required findings to approve for the requested Variance for the following reasons (please see Exhibit A for the complete findings):

- **There Are Special Circumstances.** There are special circumstances that apply to the property, as steep slopes adjacent to the existing high voltage transmission tower offer no alternative to development of an access road on slopes of less than 30 percent. Without this Variance, the access road to service the existing transmission tower could not be developed.

- **No Special Privileges.** The Variance does not constitute a grant of special privileges in this case, because there is no area that would provide comparable access to the existing transmission tower that is less than 30 percent slope. Beyond the need for a variance to grade on steep slopes, the development conforms to current codes and regulations.

- **This is not a Use Variance.** The Variance does not authorize a use not otherwise authorized in the land use category. The proposed access road is an allowable use in the Public Facility land use category.

- **No Adverse Impact on Health, Safety, Welfare.** The Variance will not adversely affect health or safety, be detrimental to the public welfare, or be injurious to nearby property or improvements for the following reasons:

    - Grading will be engineered to ensure required standards of stability.
    - Grading and construction will be inspected and verified for compliance with requirements by a certified engineering geologist and soils and/or civil engineer.
    - In order to address runoff, a drainage plan, including Best Management Practices (BMPs), will ensure that the project does not increase or redirect runoff that would worsen existing conditions.
    - A registered civil engineer will verify that the recommendations of the approved drainage plan, as well as the required sedimentation and erosion control plan, are implemented.

- **General Plan consistency.** The Variance is consistent with the San Luis Obispo County General Plan because it will result in compatible development that minimizes risks to human life and property, and because there are no alternatives to the proposed development location that would reduce site disturbance.

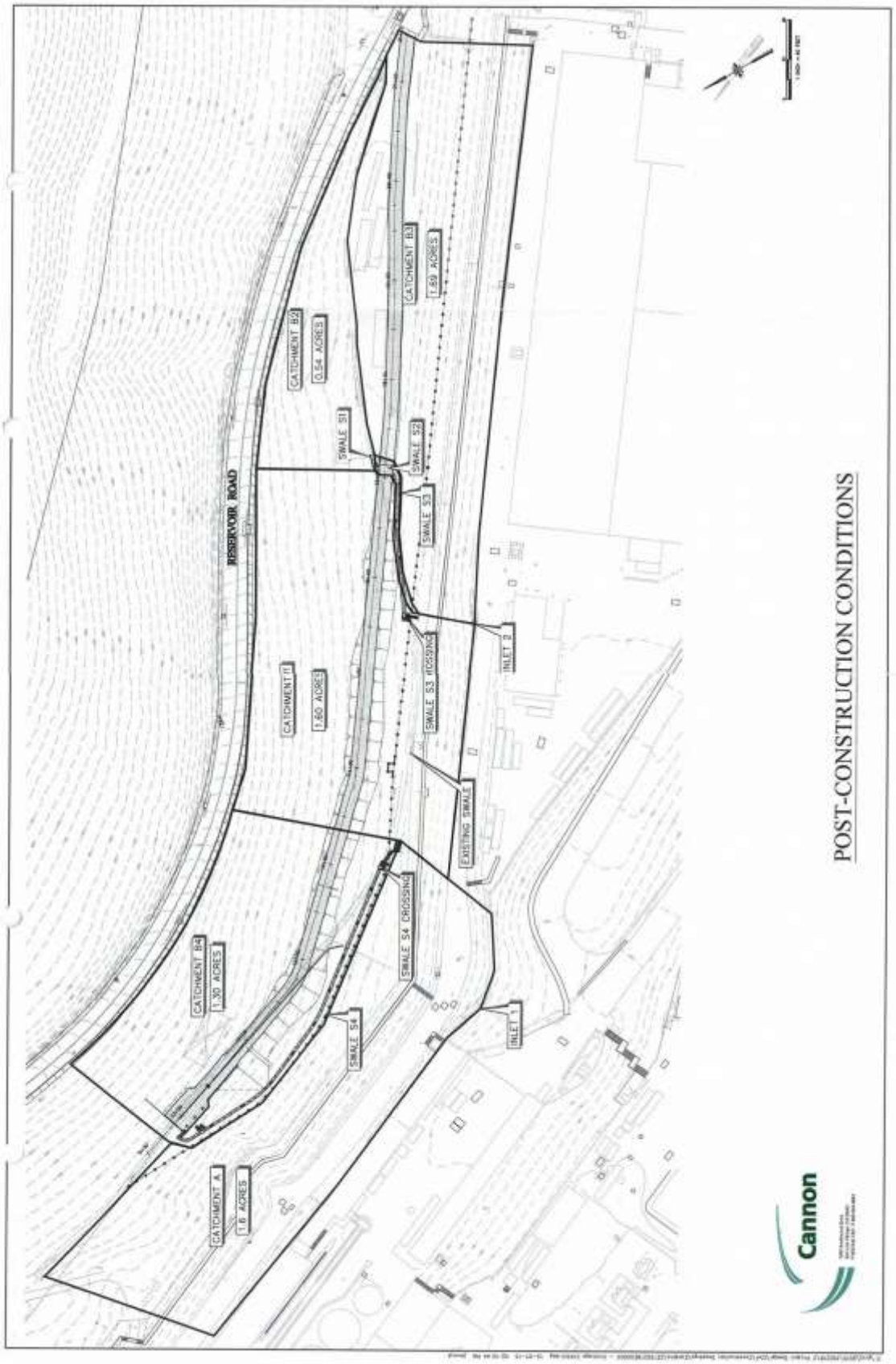
23.05.036 – Sedimentation and Erosion Control:
Sedimentation and erosion control plan required: Submittal of a sedimentation plan for review and approval by the County Engineer is required when land disturbance activities, including the removal of

more than one-half acre of native vegetation are conducted in geologically unstable areas, on slopes in excess of 30%, on soils rated as having severe erosion hazard, or within 100 feet of any water course shown on the most current 7-1/2 minute USGS quadrangle map.

23.05.042 – Drainage Plan Required:
No land use or construction permit (as applicable) shall be issued for a project where a drainage plan is required, unless a drainage plan is first approved pursuant to Section 23.05.046. Drainage plans shall be submitted with or be made part any land use, building or grading permit application for a project that involves hillside development on slopes steeper than 10 percent.

The proposed project complies with these standards. A drainage plan was prepared for the proposed access road and is included as part of the project description (Cannon, December 8, 2015). The grading and drainage plan incorporates drainage swales sized to convey the runoff from the access road while preventing erosion and sedimentation. As discussed in the project description, erosion control measures were implemented when unauthorized grading occurred in 2015. These measures are described in plans submitted for the as-built portion of the access road and include hydroseeding and the installation of fiber rolls along the slope. Post-construction conditions are shown on Figure 5.

Figure 5 – Post-Construction Conditions



23.07.084 – Application Content - Geologic and Soils Report Required:
All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate. *As discussed in the project description, a 950 foot portion of the access road was graded previously. A geotechnical design study was prepared for the access road by the applicant (Joseph L. Sun, November 16, 2015) and submitted as part of the application. The recommendations of the study will be incorporated as a condition of approval. The project will be required to verify that the as-built portion of the access road complies with the recommendations of the geotechnical report and with the California Building Code.*

23.07.120 – Local Coastal Program:
The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program. *The proposed project is consistent with this standard because it has been reviewed for consistency with relevant sections of the Local Coastal Plan.*

COASTAL PLAN POLICIES:

Shoreline Access: N/A
Recreation and Visitor Serving: N/A
Energy and Industrial Development: Policy 16
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: N/A
Agriculture: N/A
Public Works: N/A Policy No(s):
Coastal Watersheds: ☒ Policy No(s): 7 through 11
Visual and Scenic Resources: ☒ Policy No(s): 1
Hazards: ☒ Policy No(s): 1, 2 and 3
Archeology: N/A
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COASTAL PLAN POLICY DISCUSSION:

Transmission Lines
Policy 16: Siting within Viewsheds. Transmission line rights-of-way shall be routed to minimize impacts on viewsheds in the coastal zone, especially in scenic rural areas, and to avoid locations in or adjacent to significant or unique habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetation removal shall be minimized and disturbed areas shall revegetated with plants similar to those in the area.

The project complies with this policy because the project does not involve the establishment of a new transmission line right-of-way.

Coastal Watersheds
Policy 7: Siting of New Development: Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except: The county may approve grading

and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. *Although the project will be located on an existing lot of record in the Public Facility land use category, the project requires approval of a variance since grading on slopes in excess of 30% are necessary to construct the access road in proximity to the existing transmission tower.*

Policy 8: Timing of new construction: Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. *The proposed project complies with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

Policy 9: Techniques for Minimizing Sedimentation: Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. *The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance, as conditioned in Exhibit B.*

Policy 10: Drainage Provisions: Site design shall ensure that drainage does not increase erosion. *The proposed project is conditioned to comply with this policy. The project is required to have a drainage plan that shows that construction of the new access road and pathways, and the as-built roadway, will not increase erosion or runoff.*

Policy 11: Preserving Groundwater Recharge: In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats. *The proposed project complies with this policy as the project shall retain groundwater on-site to the extent feasible.*

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources: Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible. *The proposed project complies with this policy as the proposed access road and pathways are located landward of the existing power plant and will not be visible from a public road or from the ocean.*

Hazards

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions shall be located and designed to minimize risks to human life and property. *The proposed project complies with this policy because the proposed access road and pathways will be located and designed to minimize risks to human life and property with comprehensive review of geologic and soils conditions and appropriate structural elements to reflect the site's characteristics.*

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability. *The proposed project complies with this policy because the access road and pathways are required to be designed to ensure structural stability while not creating or contributing to erosion or geological instability. Furthermore, the plans for as-built and new construction will be thoroughly reviewed by plans examiners from the County Building Department and staff from the Public Works Department plan review for compliance with California*

Building Code and the requirements set forth in the geotechnical design study prepared for the access road by the applicant (Joseph L. Sun, November 16, 2015). Building inspectors will ensure the road and paths are constructed according to approved construction plans and meets all plan requirements.

Policy 3: Development Review in Hazard Areas. The county shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the Land Use Element maps for the coastal zone. The review shall be performed by a qualified registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan. *The proposed project complies with this policy because a geotechnical design study prepared for the access road by the applicant (Joseph L. Sun, November 16, 2015), has been prepared for the project. The recommendations from the geotechnical study are included as conditions of approval for the proposed project and will be incorporated into the construction plans and implemented throughout the building inspection process.*

COMMUNITY ADVISORY GROUP COMMENTS:

The Avila Valley Advisory Council heard this project at the March 14, 2016 meeting. The council did not make a recommendation on this project.

AGENCY REVIEW:

Department of Public Works Comments – Per attached referral response (Tomlinson, March 7, 2016), the project is within a drainage review area and a drainage plan is required to be prepared by a registered civil engineer and it will be reviewed at the time of Building Permit submittal by Public Works

Building Division – Per attached referral response (Szwabowski, March 8, 2016), project shall comply with all applicable building and safety codes.

California Coastal Commission – No comment provided.

Cal Fire – No comment provided.

LEGAL LOT STATUS:

The project site is located on Lots 1 through 6 in the County of San Luis Obispo, State of California, according to the map of part of Rancho El Pecho, the property of L. Marre recorded April 15, 1893 in Book B, Page 85 of Maps, in the office of the County Recorder, and was legally created by deed at a time when that was a legal method of creating parcels.

Staff report prepared by Brandi Cummings and reviewed by James Caruso.